THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.19131 of 1999

Dated: 22.01.2007

Between:

Polipalli Rambabu and others.

.....
PETITIONERS

AND

The A.P. Transmission and Distribution Corporation, rep. by its Chairman-cum-Managing Director, Vidyuth Soudha, Somajiguda,
Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.19131 of 1999

Order:

This writ petition is filed by the petitioners seeking a direction to the respondent-Corporation to regularise their services by absorbing them in any suitable post commensurate to their qualification since they are doing perennial contract works continuously, as contemplated under the provisions of the Contract Labour (R & A) Act, 1970.

2. Though the writ petition was admitted long back, no counter affidavit is filed by the respondent-Corporation.

3. The main contention of the learned counsel for the petitioners is that since the nature of work, which the petitioners are discharging is a perennial one, they are entitled for absorption/regularization of their services. The question as to whether the petitioners are entitled for regularization of their services on the ground that they are doing perennial contract works, is a factual aspect, which cannot be decided by this Court, while exercising jurisdiction under Article 226 of the Constitution.

4. That apart, in "***Steel Authority of India Ltd. v.***

National Union Water Front Workers[1], it was observed by the apex Court that the determination of question as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, requires inquiry into disputed questions of facts which cannot conveniently be made by High Courts in exercise of jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues will be Industrial Tribunal/Court whose determination will be amenable to judicial review. Hence, this Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot gone into the disputed questions of fact and grant any relief to the petitioners and the appropriate authority to go into those issues will be the Industrial Tribunal.

5. In the circumstances, the writ petition is dismissed granting liberty to the petitioners to approach the Labour Court for redresal of their grievances. No costs.

N.V. RAMANA, J.

Date: 22.01.2007

sj/nsr

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[1] 2001 (6) ALD 1 (SC)